

MORVILLO ABRAMOWITZ GRAND IASON & ANELLO P.C.

ELKAN ABRAMOWITZ
RICHARD F. ALBERT
ROBERT J. ANELLO*
KATHLEEN E. CASSIDY
BENJAMIN S. FISCHER
CATHERINE M. FOTI
CHRISTOPHER B. HARWOOD
LAWRENCE IASON
BRIAN A. JACOBS
TELEMACHUS P. KASULIS
KAREN R. KING
ROBERT M. RADICK*
JONATHAN S. SACK**
EDWARD M. SPIRO
JEREMY H. TEMKIN
RICHARD D. WEINBERG

565 FIFTH AVENUE
NEW YORK, NEW YORK 10017
(212) 856-9600
FAX: (212) 856-9494

www.maglaw.com

WRITER'S CONTACT INFORMATION

jsack@maglaw.com
212-880-9410

SENIOR COUNSEL
PAUL R. GRAND

COUNSEL
JASMINE JUTEAU

ROBERT G. MORVILLO
1938-2011

MICHAEL C. SILBERBERG
1940-2002

JOHN J. TIGUE, JR.
1939-2009

*ALSO ADMITTED IN WASHINGTON, D.C.
**ALSO ADMITTED IN CONNECTICUT

July 14, 2023

BY ECF

Hon. Lorna G. Schofield
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, NY 10007

Re: *Cypress Holdings, III, L.P. v. Hall*, No. 1:22-cv-1243 (LGS)
Sport-BLX, Inc. v. Salerno, No. 1:22-cv-8111 (LGS)

Dear Judge Schofield:

We represent Sport-BLX, Inc., Sport-BLX Securities, Inc., Clinton Group, Inc., George Hall, Cesar Baez and Christopher Johnson (the "Sport-BLX Parties") in the above-referenced actions. We write on behalf of all parties to request that the Court amend the dates set forth in the Second Amended Civil Case Management Plan and Scheduling Order, 1:22-cv-1243 Dkt. 107 (the "Second Amended Case Management Order"), as well as the Court's most recent scheduling order dated July 12, 2023, Dkt. 117 (the "July 12 Order"), regarding (i) the close of fact discovery, (ii) the close of expert discovery, and (iii) the date for a pre-motion conference.

Procedural Background

On February 27, 2023, the Court issued an Amended Civil Case Management Plan and Scheduling Order, *id.* Dkt. 38 (the "Amended Case Management Order"), which set forth the following deadlines: (i) May 16, 2023 for the close of fact discovery; (ii) June 30, 2023 for the close of expert discovery (*i.e.*, 45 days after the close of fact discovery); and (iii) July 19, 2023 for a pre-motion conference (*i.e.*, a little over two weeks after the close of expert discovery).

On May 22, 2023, the parties filed a joint status letter with the Court and requested an extension of the fact discovery deadline to July 14, 2023, so that the parties could complete the scheduled depositions in the above-referenced actions. *Id.* Dkt. 105. In that submission, the parties did not specifically reference other then-existing deadlines. The Court so-ordered the parties' request, *id.* Dkt. 106, and issued the Second Amended Case Management Order, which extended the dates for the completion of fact discovery (Item 8(a)), and the completion of

MORVILLO ABRAMOWITZ GRAND IASON & ANELLO P.C.

Hon. Lorna G. Schofield
July 14, 2023
Page 2

depositions (Item 8(e)), to July 14, 2023. The previously-entered dates for the close of expert discovery and the pre-motion conference were not changed.

In the July 12 Order, the Court issued an order which adjourned the pre-motion conference to August 9, 2023. A new deadline for the close of expert discovery was not established.

The Parties' Joint Request For Modified Expert and Fact Discovery Deadlines

The parties have several requests in light of recent scheduling adjustments.

First, due to a scheduling conflict that prevented Mr. Salerno from appearing for his scheduled deposition on July 13, 2023 (having been deposed for partial days on two prior occasions), an extension of the July 14, 2023 fact discovery deadline is required. All counsel have agreed to continue the deposition of Mr. Salerno on July 20 and July 25.

Second, regarding the close of expert discovery and a pre-motion conference date, the parties request time to complete expert discovery consistent with the previous case management orders in this action. Working off the most recently ordered date for the close of fact discovery of July 14 and following the times allotted for different activities in the Amended Case Management Order would result in a new deadline for completion of expert discovery of August 28, 2023 (*i.e.*, 45 days from the close of fact discovery set in the Court's previous order), and a new pre-motion conference date of September 14, 2023. In light of certain scheduling conflicts, the parties have agreed upon and would request a brief extension for expert discovery to September 11 and a corresponding change to the deadline to file a pre-motion conference letter.

Conclusion

In sum, the parties request that (i) the deadline for the close of fact discovery be extended to **July 25, 2023**, (ii) the close of expert discovery be extended to **September 11, 2023**, and (iii) the date for a pre-motion conference be scheduled **on September 26, 2023 or as soon thereafter as is convenient to the Court.**¹ Consistent with the Court's Second Amended Case Management Order and the July 12 Order, the parties also request that the pre-motion letters for any summary judgment or other dispositive motion be due two weeks before the date the Court sets for the pre-motion conference, with letters in opposition due one week before the conference.

¹ The parties note the unavailability of certain counsel for a Court conference on September 25, 2023 due to Yom Kippur.

MORVILLO ABRAMOWITZ GRAND IASON & ANELLO P.C.

Hon. Lorna G. Schofield
July 14, 2023
Page 3

We appreciate the Court's consideration of this matter.

Respectfully submitted,

/s/ Jonathan S. Sack

Jonathan S. Sack

cc: Counsel of record (by ECF)